

## FEBRUARY 2007

<b>Conflicts of Interest</b>	
<b>Steve Messina</b> <b>City of Benicia</b> <b>Dated: February 15, 2007</b> <b>File Number A-06-181</b>	Mayor asks whether he can participate in governmental decisions to adopt a master plan for a city's downtown district under the public generally exception despite multiple economic interests including a rental property and a vacant lot in or within 500 feet of the downtown district. Providing that the governmental decisions will have a reasonably foreseeable material financial effect on the mayor's economic interests, it is unlikely that the public generally exception would permit the mayor to make, participate in making, or influence, the governmental decisions as it is unlikely that the mayor will be financially affected in substantially the same manner as other property owners who own only a single property. Moreover, it is also unlikely that the financial effect on the vacant lot's developmental potential will be substantially the same as the effect on other previously developed lots.
<b>Casteneda, McCann, Ridone, and Ramirez</b> <b>City of Chula Vista</b> <b>Dated: February 20, 2007</b> <b>File Number A-06-219</b>	Four city councilmembers own various economic interests including real property, a small business, and rental property businesses within the jurisdiction. The city attorney asks whether or not the councilmembers will have a conflict of interest in participating in governmental decisions regarding the structure and procedures of the city redevelopment agency. The decisions involve only procedural issues related to the structuring of the redevelopment agency and will not affect the redevelopment areas themselves. Staff advised that the councilmembers will not have conflicts of interest when participating in such decisions because the decisions would not have a reasonably foreseeable material financial effect on any of the officials' economic interests.

<b>Jeff Childs</b> <b>Menlo Park City School District</b> <b>Dated: February 7, 2007</b> <b>File Number I-07-001</b>	<p>A City school district board member requested information regarding a potential conflict of interest. The board member's residence is within 500 feet of a middle school that will be renovated using bond money. Commission staff advised that while the board member does have a conflict of interest, he can apply his specific facts to the small jurisdiction exception. Because staff did not have specific figures regarding lot sizes in the jurisdiction, informal assistance was limited to the facts provided.</p>
<b>Kathern Bhardwaj and Stan Binnie</b> <b>City of Trinidad</b> <b>Dated: February 15, 2007</b> <b>File Number A-07-011</b>	<p>Two newly-elected councilmembers sought advice as to whether they may participate in any decisions regarding a particular cellular tower project and in future decisions about other cellular facilities that might be located in other areas of the city. Prior to their election to the city council, the officials were involved in a citizen's group that opposed the cellular tower project. Both resigned from the group after being elected to public office. Neither official has any economic interest involved in the decisions before the city. Based on the facts provided, officials were advised that because they have no economic interest in the current decisions involving the cellular project, the Act's conflict-of-interest provisions do not preclude them from participating in these decisions. There was insufficient information to make a determination with regard to future decisions involving other cellular facilities that might be located in other areas of their city.</p>
<b>Jim Snyder</b> <b>San Geronimo Pass Water Agency</b> <b>Dated: February 21, 2007</b> <b>File Number A-07-013</b>	<p>A board member of a state water agency may vote on a proposed agreement under which the agency would assist a city and a water company purchase from a power company facilities that transport water where the city and water company already own the rights to and provide this water to their customers, including the board member and his several owned properties, and the transfer will not change the source, amount or quality of the water. It is not reasonably foreseeable that the transfer of the facilities is substantially likely to cause a material financial effect on the board member's economic interests.</p>
<b>Tom McCabe</b> <b>City of Encinitas Planning Commission</b> <b>Dated: February 7, 2007</b> <b>File Number I-07-014</b>	<p>A planning commissioner requested advice regarding the conflicts of interest provisions. The commissioner's residence is located within 500 feet of a proposed park. Decisions regarding design and environmental impact will be before the planning commission in the coming year. Staff advised that there is a conflict of interest, but that the public generally exception could apply, and must be determined on a decision-by-decision basis.</p>

